

REMARKS/ARGUMENTS

Claims 1, 4, 6-9, 12, 13, 17-20, 22-27, and 42-45 are now pending in the present application, for a total of 22 claims, 3 of which are independent. Please note that the original claim set as filed had a total of 27 claims (3 independent) and the excess claims were paid for at the time of filing, therefore no excess claims fees are due now.

Changes in response to the present Office Action are described in remarks hereinbelow.

Claim Rejections – 35 USC 112

Claims 19-20, 22, and 24 have been rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 19, 22, and 24; Applicant respectfully submits that "the shelf" has its antecedent "a shelf" in claim 1, line 2 (preamble) and then lines 6-7 where it is positively cited as "the shelf".

Claim 20 has been amended to delete the reference number "104" that had been inadvertently left in the claim from the PCT version of the application.

Claim Rejections - 35 USC 102

Claims 1, 18, 22, and 43-45 have been rejected under 35 USC 102(b) as being anticipated by USP 6327993 to Richens Jr.

Claim 1 is amended to clearly define relative direction terminology used in the claims, since this helps avoid confusion in various claim citations (e.g., claim 22, as explained hereinbelow). These definitions are supported by the first paragraph of the detailed description with reference to the drawings. For example, the drawing shows a directional arrow 20 that is disclosed as the "forward" direction.

Regarding independent claim 1, although Richens Jr. discloses an assembly comprising a guide portion (50) and a sliding portion (16, not 24) telescopically engaged with the guide portion, and having two end hooks (20, 22) on distal longitudinally outward ends of it, there is no "spring connected for biasing the two end hooks with respect to each other", i.e., Richens Jr. doesn't use a spring of any kind to bias one end hook (e.g., 20) with respect to the distal second end hook (e.g., 24). Spring biasing two objects with respect to each other is generally

understood to mean that some type of spring is providing a force that, if unopposed, would cause movement of the one object relative to the other. In Richens Jr.'s example, that would mean a spring (most likely a tension spring) that would bias the telescoping bar portions such that, for example, the sliding portion (16) would be pulled further within the guide portion (50), thereby pulling the end hooks (20, 22) toward each other, since one end hook is attached to the guide portion (22 to 50) and the distal end hook (20) is attached to the sliding portion (16). As made clear in Richens Jr. column 4, lines 10-20; there is **not** any spring bias urging movement of the telescoping pole. Instead: "The telescoping pole 16 length is fixed by means of a locking mechanism." (col. 4, lines 16-17). Applicant respectfully submits that the spring (30) that Examiner has identified as the *spring connected for biasing the two end hooks with respect to each other* is actually a "...spring steel button 30 that aligns with a hole in the telescoping pole 16 and **locks** the mounting base **into place**" (col. 4, lines 53-55; bold emphasis added). Richens Jr.'s element 24 is not the sliding portion of the telescoping assembly (which he calls the "male stern end" of the "telescoping pole 16" (lines 10-11)), but instead is a "swivel mounting base 24 ... locked into place by means of the spring steel button 30" (col. 4, lines 62-65).

Applicant's inventive device is the result of a great deal of research into the prior art and its problems and limitations (see the extensive Background section of the specification) followed by creative engineering to solve the problems he identified. The elements cited in claim 1 are, for the most part, critical components of a multifaceted solution to problems identified in Applicant's research, and all of the following must be present in combination to achieve the inventive solution: (1) a spring bias, of a (2) telescoping assembly with (3) distal end hooks. This combination of elements is needed to address objectives of quick and easy install/remove, and safe release of the assembly attachment in case of forward impact by a rear seat occupant. Richens, Jr. doesn't face these issues and therefore doesn't need a spring bias (also see discussion below concerning hook shapes cited in claims 4, 6, and 42). Even prior art devices designed for similar use in a vehicle don't appear to recognize these problems. Thus, for example, Watkins (USP 6,231,017) discloses a vehicle equipment rack described as follows in the 4th and 5th paragraphs of the Background:

"...telescopically connected multiple-tube mount bars, all bolted together to achieve a rigid, fixed-length bar that is then bolted to the headrest posts using bolts (118) and brackets (110).

It appears that for much of the prior art, and in particular for the rigid mount bar of Watkins '017, there is a risk of injury to rear seat occupants who may be thrown forward against it in sudden or accidental stops. Furthermore, it appears that installation and removal of devices such as the Watkins '017 mount bar is likely to be inconvenient and time consuming, if not difficult."

The 4 ½ page Background section concludes with objectives for the inventive engineering disclosed in Applicant's application:

"All of the abovedescribed prior art racks have limitations in their ability to satisfactorily mount equipment in vehicles. It is a general object of the present invention to overcome those limitations. Subsidiary objects include making the inventive equipment rack: adaptable for installation in virtually any vehicle with adjustable headrests on the front seat(s); simple and fast to install or remove (in seconds, not minutes); stable with a minimum of rattling and/or jiggling or other movement; unobstructive of the driver's rear view mirror line of sight and of the front seat occupants' view and access to rear seat occupants; with enhanced safety features for passengers in case of sudden stops; unaffected by most movements of the front seats after installation; compact and lightweight; collapsible for storage; pivotable for positioning of an attached viewing screen; and adaptable for holding a wide variety of commonly available players, particularly folding screen DVD players and the like."

It can be seen that more than everyday engineering is involved. As borne out by history, a significant part of the present invention is recognition of the problem, followed by development of an elegant and effective solution.

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If claim 1 is allowed, then the remaining claims, being dependent claims, would also be allowable as further limitations. For the record, Applicant also provides the following response to Examiner's rejection of dependent claims.

Regarding claim 18, the area of Fig. 9 Examiner identifies as a "tolerance bump" does not "extend between the guide portion and the... sliding portion" (which are telescopically engaged portions of the hook bar assembly according to their antecedents in claim 1). Thus in Richens Jr.'s embodiment, an equivalent "tolerance bump" would have to extend between his elements 50 and 16, respectively.

Regarding claim 22, the claim 1 amendment that clearly defines directional references makes it clear that Perkins Jr.'s "rearward edge" would be one of the lateral, not longitudinal sides of his apparatus. His lateral edges are not softened by his thin fabric sleeve (32) encircling his telescoping rods (16) (see his Figs. 5 and 1).

Regarding claims 43-45, the claim 1 amendment that clearly defines directional references, plus the discussion above, make it clear that Perkins Jr.'s end hooks are not (spring) biased longitudinally at all, and furthermore, they open longitudinally *inward*, not outward.

***Claim Rejections - 35 USC 103***

Dependent claims 4, 6, 24-27, and 42 have been rejected under 35 USC 103(a) as being unpatentable over Richens, Jr..

If claim 1 is allowed then the remaining claims, being dependent claims, would also be allowable as further limitations. Nevertheless, Applicant also provides the following response to Examiner's rejection of dependent claims.

Claim 42 is amended to more definitely limit the end hook shape.

The claim 1 amendment that clearly defines directional references, makes it clear that Richens Jr. does not disclose end hooks as described in claims 4, 6, and 42 (as-amended). Furthermore, Applicant's claimed hook shapes are not obvious for an ordinary skilled designer, even working from Richens Jr.'s disclosure, because the problems solved by the claimed hook shapes, as disclosed in the detailed description, are allowing quick release under lateral force, or accommodating different size posts. These are not problems addressed by Richens Jr., and as evidenced by the plurality of inventive designs disclosed in the present application, there are many possible solutions to those problems – applicant has invented a particular subset of solutions as cited in these claims. As discussed hereinabove, the invention required significant experimentation and creative engineering to arrive at the best solutions, ones that do not appear to have been disclosed in the prior art. For further evidence of the engineering needed to produce the claimed hook shapes, Examiner is referred to the detailed description related to Figures 5A, 5B, and 5C starting on line 1 of page 16 in the as-filed application.

Regarding claims 24-27, Richens, Jr. does **not** teach a rack "further **characterized by** an audio transmitter **attached to the shelf**", rather he teaches a multi-purpose **pocket** (12, 18) that can hold a variety of objects, potentially including a radio. Applicant is claiming additional elements that are integrated with the claimed apparatus. Whatever objects are put into Richens Jr.'s pockets are incidental to his invention, certainly not claimable as an element of his invention.

Regarding claim 23, it is clear from the text of claims 1 and 23 that the claimed

compressible **sleeve is removably hooked on the same headrest post as the end hook**, and is furthermore next to (above) the end hook on the vertical post (this is known because a headrest on a seat within a vehicle is above the seat and is supported by a relatively vertical headrest post). Quesada does not disclose or teach a compressible sleeve that removably hooks on the same post (rod, wire, whatever) as the end hook (e.g., 16 in Fig. 2) of the device, the sleeve being positioned next to the end hook on the post.

#### ***Allowable Subject Matter***

The Examiner has stated that claims 7-9, 12-13, and 17 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 7 has been made allowable as stated by rewriting it as an **independent claim** to incorporate the substance of claim 1, from which it depended.

Claim 9 has been made allowable as stated by rewriting it as an **independent claim** to incorporate the substance of claim 1, from which it depended.

Claims 12-13 remain as previously presented: depending from now-independent claim 9, and therefore also allowable.

The Examiner has stated that claims 19-20 would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. As discussed hereinabove, the rejections of claims 19-20 under 35 USC 112 have been overcome (by amending claim 20, but not 19). However, they are presently remaining as dependent claims.

Applicant would like to wait for Examiner's decision on the allowability of currently amended independent claim 1 before rewriting others of the remaining objected-to claims (8, 17, 19, and 20) to make them allowable.

***Conclusion***

The undersigned Agent of Record has made a sincere effort to amend the claims of this application in response to the present Office Action so that they define novel structure which is non-obvious. Favorable re-examination and consideration are respectfully requested. If there are still some issues to be resolved, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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